

Defendant GHG responded in opposition to Plaintiffs' Motion the same day it was filed. (ECF 139). GHG reminds the Court that Dr. Tyson's deposition was originally noticed on May 28, 2025 and was rescheduled multiple times, with Plaintiffs sometimes notifying GHG of the need to reschedule as late as the previous day. (*Id.* at 2–3).

GHG notes that Plaintiffs' Motion was filed after Plaintiffs had already received the certificate of nonappearance for the July 14 deposition, and separately that the Motion to Quash is not in compliance with the Standing Orders of this Court. (*Id.* at 3–4; *see* ECF 9 at 2–4). Finally, GHG explains that Plaintiffs did not adequately confer about rescheduling the Monday morning deposition, but rather sent an email the previous Friday at 6:56 p.m. stating that Dr. Tyson was out of town until the afternoon of July 16. (ECF 139 at 3–4, n.1).

GHG requests the Court award costs for the attempted July 14 deposition in the amount of \$525.00. (*Id.* at 4). To support this request, GHG has attached to its response the Certificate of Non-Appearance and an invoice from the Court Reporter in that amount. (*Id.* at 6–16).

Plaintiffs' Motion was filed on July 14, 2025, at 10:08 a.m., eight minutes after the deposition was to begin. Accordingly, Plaintiffs' Motion to Quash is DENIED as moot. To permit the parties to complete Dr. Tyson's deposition, Plaintiffs' Motion to Amend Scheduling Order is GRANTED as provided below.

On or before Friday, July 18, 2025, parties are ORDERED to file a Joint Advisory specifying which three dates are mutually acceptable options for conducting Dr. Tyson's deposition. The three dates in the Joint Advisory must come from the list below. The deposition will take place in-person before the undersigned in the second-floor courtroom of the J. Marvin Jones Federal Building and Mary Lou Robinson United States Courthouse in Amarillo, Texas.

The undersigned and the Courtroom are available for that purpose on the following dates:

Friday, July 25;
Monday, July 28, *8:45 a.m. to 12:00 p.m. only*;
Tuesday, July 29, *1:15 p.m. to 5:00 p.m. only*;
Monday, August 4, *8:45 a.m. to 12:00 p.m. only*;
Tuesday, August 5;
Wednesday, August 6; *1:15 p.m. to 5:00 p.m. only*;
Thursday, August 7, *8:45 a.m. to 12:00 p.m. only*;
Monday, August 11, *8:45 a.m. to 12:00 p.m. only*;
Thursday, August 14; and
Friday, August 15, *1:15 p.m. to 5:00 p.m. only*.

After reviewing the availability of the parties, the Court will issue an Order scheduling the deposition for one of the dates indicated. That Order will also include a deadline for Plaintiffs to file any brief showing cause as to why the Court should not award the costs requested by GHG as an appropriate sanction under Federal Rule of Civil Procedure 30(d)(2); parties should be prepared for a hearing on that issue to occur the same day as Dr. Tyson's deposition. Finally, the Court will, at the time of that Order, separately issue an Eight Amended Scheduling Order reflecting the limited continuance of discovery established herein.

IT IS SO ORDERED.

July 15, 2025.



LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE